

7 1651
Docket No: 33,359-00
Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re of Application of: Stephen A. Udem et al.
Serial No.: 09/508,913 Group No.: 1651
Filed: March 16, 2000 Examiner: To be Assigned
For: Attenuated Respiratory Syncytial Viruses

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Commissioner for Patents
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INFORMATION DISCLOSURE STATEMENT

1. Preliminary Statements

In accordance with 37 CFR 1.97 and 1.98, Applicants submit herewith patents, publications, or other information of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR 1.56. This Information Disclosure Statement is not to be construed as a representation that: (i) a search has been made; (ii) the information is material to the examination of this application; (iii) additional information material to the examination of this application does not exist; (iv) the information, protocols, results and the like reported by third parties are accurate or enabling; or (v) the information constitutes prior art to the subject invention.

CERTIFICATION UNDER 37 CFR 1.8(a)

I hereby certify that this paper and the documents referred to as enclosed therein are being deposited with the United States Postal Service on the date written below with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, Washington, DC 20231.

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2. Identification of Time of Filing

This Information Disclosure Statement

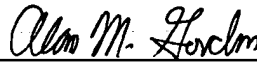
- a. ☐ is filed within three months of the filing date of the application.
- b. ☒ is filed before the mailing date of a first Office Action on the merits. **TECH CENTER 1600/2900**
- c. ☐ is filed after the period specified in 2(a) or 2(b) above, but before the mailing date of a final action under 37 CFR 1.311. This statement includes a certification under 37 CFR 1.97(e) or the fee set forth in 37 CFR 1.17(p).
- d. ☐ is filed after the mailing date of a final action or Notice of Allowance but before payment of the issue fee. This statement includes (i) a certification under 37 CFR 1.97(e), (ii) a petition requesting consideration of this information disclosure statement, and (iii) the petition fee under 37 CFR 1.17(i) (1).

3. ☐ Certification under 37 CFR 1.97(e)
The undersigned attorney certifies

- a. ☐ that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the statement, or
- b. ☐ that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the statement.
- c. Conditional Petition: If this Information Disclosure Statement specifies the time of filing as 2(c) above, but in fact it is filed after the mailing date of a final action or Notice of Allowance, please consider this a petition requesting consideration of the information and authorization to charge Deposit Account 01-1300 for the petition fee.

4. ☒ Newly Cited Information
A legible copy of the patents, publications or other information cited on the attached form PTO 1449 is enclosed, except that no copy of a pending U.S. application is enclosed.5. ☐ Previously Cited Information
No copy of the patents, publications or other information cited on the attached form PTO-1449 is enclosed because it has been previously cited by or submitted to the Office in a prior application which is relied upon for an earlier filing date under 35 USC 120. Prior application is Serial Number _____, filed on _____ of _____ for _____.

6. ☐ Concise Explanation
Documents cited above which are not in the English Language
- a. ☐ have been explained in the specification.
- b. ☐ have an abstract (or other concise explanation) in English enclosed or if readily available a translation into English of the document is enclosed.
7. Form PTO-1449 is enclosed in duplicate.
8. ☐ A petition requesting consideration of this information disclosure statement is enclosed.
9. ☐ Fees
- | | | | | |
|----|--------------------------------------------------------|------|----------------|---------|
| a. | <input type="checkbox"/> Late filing (37 CFR 1.17(p)) | Fee: | \$ | 240.00 |
| b. | <input type="checkbox"/> Petition (37 CFR 1.17(i) (1)) | Fee: | \$ | 130.00 |
| | | | Total Fee Due: | \$ 0.00 |
10. Method of Payment of Fees:
Charge Deposit Account No. 01-1300 in the amount of \$0.00
A duplicate of this statement is enclosed.
11. Instructions as to Overpayment/Underpayment:
Credit any overpayment and charge any underpayment to Deposit Account No. 01-1300.



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